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EXAMINER				
HEFFINGTON, JOHN M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/690,611

Applicant(s)

CHAUDHRI, IMRAN A.

Examiner

JOHN HEFFINGTON

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23, 24, 26-36, 38-48, 50-52, 54-63 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23, 24, 26-36, 38-48, 50-52, 54-63, 66-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the request for continued examination filed 14 January 2011. Claims 23, 68, have been amended. Claims 1-22, 25, 37, 49, 53, 64, 65 have been canceled. Claims 23, 24, 26-36, 38-48, 50-52, 54-63, 66-69 are pending and have been considered below.

Response to Arguments

1. Applicant's arguments filed 14 January 2011 have been fully considered but they are not persuasive.

The applicant argues "The Office's assertion that Malamud discloses the features of claim 23 is not supportable. The Office's underlying premise for relying on Malamud ignores several fundamental differences between the claimed invention and Malamud. For instance, the conventional cursor (pointer portion) and the information box (information portion) constituting the information pointer of Malamud are physically separate components from each other." The examiner respectfully points out that neither the specification nor the claims of the instant invention address whether the pointer arrow and the variable graphic replacing the tail are "physically" separate. Upon examination of the drawings of the instant invention, it is difficult to determine if the pointer head and the variable graphic are separate or connected. Therefore, the argument of separateness is moot. Furthermore, the claim only requires that the variable graphic be "placed proximate to the tail," not connected.

The applicant argues "Accordingly, in an attempting to arrive at the first image of the cursor, as recited in claim 23, the Office sought to locate a conventional cursor without an information box. However, if the conventional cursor 35C in Figure 2E of Malamud without an information box is intended to correspond to the first image of the cursor, as recited in claim 23, then the conventional cursor 35C in Figure 2E of Malamud must therefore transition into the second image of the cursor as recited in claim 23. This transition, however, is not possible, because, as noted above, no additional information is to be displayed when the user positions the conventional cursor 35C over the folder 35A. Consequently, even if the user dragged the folder 35A with the conventional cursor 35C, no information about the folder 35A would ever be displayed." The examiner respectfully disagrees. Claim 23 does not specify the conditions under which the variable graphic is displayed, i.e. the claim never requires that the variable graphic is always displayed when the object is dragged. In fact, limitation 4 of claim 23 recites "the first variable graphic in the user interface as an alphanumeric representation including a numerical value representing a characteristic of the at least one dragged object." The condition of this limitation is that there is a numeric property associated with the object being dragged. Furthermore, at paragraph 0059, Malamud discloses "In contrast, in FIG. 2L2, when a cursor 40G obscures an individual object (i.e., a folder) 42G within a container (i.e., a file rack) 39G, information about the individual object pointed to by the cursor is displayed in an information box 41G.

The information shown in the information box 41 G in FIG. 2L2 includes the type of object (i.e., folder), the contents of the folder and the space occupied by the contents of the folder. FIG. 2L2 is another example of the use of dynamic information in an information pointer." (see also figure 2L2). Paragraph 0052 clearly states that "The tip of a cursor arrow 35C is located over the folder 35A." Therefore, Malamud will display information when a cursor hovers over an object comprising at least the type of object. In this case, as disclosed in paragraphs 0059 and 0052, the type of object is a folder.

The applicant argues "Accordingly, in Figures 2K2 and 2L2, Malamud discloses that when a conventional cursor 40E, 40G hovers over an object 39E, 42G, information related to those objects is displayed in an information box 41 E, 41G that is entirely separated from the conventional cursor 40E, 40G. However, the information boxes 41 E, 41G are not associated with any drag and drop operation. Therefore, in contrast to claim 23, the information boxes 41 E, 41G are not displayed while the objects 39E, 42G are being dragged.

Therefore, Malamud does not disclose, suggest or contemplate feature (4) of claim 23. In particular, Malamud does not disclose, suggest or contemplate controlling the display device to display, while the at least one object is being dragged, the first variable graphic in the user interface as an alphanumeric representation including a numerical

value representing a characteristic of the at least one dragged object, as recited in claim 23."

The examiner reminds the applicant that the consideration of the prior art as applied to a rejection of the claims of an applicant's invention is not limited to the cited passages of the rejection. As per the following references from the MPEP, the prior art must be considered as a whole:

2123 [R-5] Rejection Over Prior Art's Broad Disclosure Instead of Preferred Embodiments

I. PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN

"The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

2141.02 [R-5] Differences Between Prior Art and Claimed Invention

Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole.

2143.01 [R-6] Suggestion or Motivation To Modify the References

I. * PRIOR ART **>SUGGESTION OF< THE DESIRABILITY OF THE CLAIMED INVENTION

"In affirming the Board's obviousness rejection, the court held that the prior art as a whole suggested the desirability of the combination... ."

The abstract of Malamud explicitly discloses displaying information associated with an object being dragged, "Information windows may contain information pertaining to a pair of objects, such as the source and target object in a drag and drop operation, or to a collection of objects." Furthermore, at paragraph 0047, Malamud discloses that information about a source object is displayed **during** a drag and drop operation, "For instance, in an operating system that supports drag and drop operations, two names may be displayed in the name information pointer 26 during a drag and drop operation. In particular, the name of the source object". The online thesaurus www.thesaurus.com lists "while" as a synonym for during:

Main Entry: **during**

Part of Speech: *preposition*

Definition: concurrently with an activity, event

Synonyms: all along, all the while, amid, as, at the same time as, at the time, for the time being, in the course of, in the interim, in the meanwhile, in the middle of, in the time of, meanwhile, mid, midst, over, pending, the time between, the whole time, throughout, until, when, while

Since Malamud does not explicitly teach that the numeric values disclosed in the information box 41G in figure 2L2 are displayed during a drag-and-drop operation, i.e. while the object is being dragged, the examiner rejected limitation 4 under 35 USC 103 as being obvious since Malamud discloses generally that information about an object

being dragged is displayed during a drag-and-drop operation, i.e. while the object is being dragged.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23, 24, 26-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are drawn to a computer readable recording medium. However, a computer readable recording medium is not defined in the specification of the instant application, and, therefore, could include a computer readable medium such as a transmitted signal or wave. A transmitted signal or a wave is none of a process, machine, manufacture or composition of matter and, therefore, is not a statutory category of invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23, 26-35, 38-47, 50-52, 54-59, 61-63, 66-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malamud et al. (US 20030142123 A1) in view of Muller (US 4,984,152).

Claims 1-22. (Canceled)

Claim 23. Malamud discloses a non-transitory computer-readable recording medium having a computer program recorded thereon that causes a computer to control a display device to display a user interface and at least two different images of a cursor within the displayed user interface, the computer program causing the computer to perform operations comprising:

- a. displaying, in the user interface on the display device, a first image of the cursor, the first image of the cursor comprising a pointer arrow having a tail (paragraph 0052, figure 2E, [no information box is shown. cursor 35c is only an arrow with a tail.]);
- b. receiving a control input containing an instruction to drag at least one object displayed in the user interface on the display device (paragraphs 0042, 0047, figure 2C, [only the appearance of the pointer changes, not its functionality. A user can still select, click and drag]);
- c. controlling the display device to, upon receipt of the control input, switch the display of the first image of the cursor to a display of a second image of the cursor in the user interface, the second image of the cursor comprising a first

hybrid cursor having a pointer arrow with a first variable graphic placed proximate to the tail (paragraphs 0042, 0047, figure 2c, [only the appearance of the pointer changes, not its functionality. A user can still select, click and drag. two names may be displayed in the name information pointer 26 during a drag and drop operation.]7); and

- d. controlling the display device to display the first variable graphic in the user interface as an alphanumeric representation process including a numerical value representing a characteristic of the at least one object (paragraph 0058, figure 2K2, paragraph 0059, figure 2L2, [the information box 41E in FIG. 2K2 includes the type of data in the document, the size of the document and the source of the document. The information shown in the information box 41 G in FIG. 2L2 includes the type of object (i.e., folder), the contents of the folder and the space occupied by the contents of the folder.]).

Malamud does not disclose a first variable graphic replacing the tail comprised in the first image, as disclosed in the claims. However, in the same field of invention, Muller discloses replacing the default cursor with by other shapes or icons representative of the current computer functionality (column 1, lines 64-68), wherein the tail of the cursor has been replaced with an image portion representing a functionality being executed by the computer (column 7, lines 28-35, figure 10). Therefore, considering the teachings of Malamud and Muller, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a first variable graphic replacing the tail comprised in

the first image to the teachings of to the teachings of Malamud. One would have been motivated to add a first variable graphic replacing the tail comprised in the first image to the teachings of to the teachings of Malamud in order to reduce ambiguity as to the parameters and operation that is currently being executed (Muller: column 2, lines 1-18).

Malamud and Muller do not disclose while the at least one object is being dragged, the first variable graphic in the user interface as an alphanumeric representation process including a numerical value representing a characteristic of the at least one dragged object, as disclosed in the claims. However, Malamud discloses displaying information about the source during a drag operation (paragraph 0047, figure 2C) and displaying information indicating size and number associated with the source object (paragraph 0058, figure 2K2, paragraph 0059, figure 2L2). Therefore, considering the teachings of Malamud and Muller, it would have been obvious to one having ordinary skill in the art at the time of the invention to add while the at least one object is being dragged, the first variable graphic in the user interface as an alphanumeric representation process including a numerical value representing a characteristic of the at least one dragged object to the teachings of Malamud and Muller. One would have been motivated to add while the at least one object is being dragged, the first variable graphic in the user interface as an alphanumeric representation process including a numerical value representing a characteristic of the at least one dragged object to the teachings of

Malamud and Muller in order to reduce ambiguity as to the parameters and operation that is currently being executed (Muller: column 2, lines 1-18).

Claim 25. (Canceled)

Claim 26. Malamud and Muller disclose the computer-readable recording medium of claim 23, and Malamud further discloses the computer program causes the computer to perform further operations comprising:

- a. determining when the second image of the cursor is positioned in the user interface over a destination object to which the at least one dragged object is to be copied (paragraphs 0047, 0088, figure 2c); and
- b. controlling the display device to switch the display of the second image of the cursor to a display of a third image of the cursor in the user interface, upon determining that the second image of the cursor is positioned over the destination object to which the at least one dragged object is to be copied, wherein (paragraphs 0047, 0088, figure 2c, [the source object and the name of the target object are shown. If the object is a valid target object, information is output about the impending drag and drop operation.]),
- c. the third image comprises a second hybrid cursor having a pointer arrow with a second variable graphic replacing the tail comprised in the first image of the cursor (paragraphs 0047, 0088, figure 2c, ["copying source to target]), and

- d. the second variable graphic represents a copy operation (paragraphs 0047, 0088, figure 2c).

Claim 27. Malamud and Muller disclose the computer-readable recording medium of claim 26, and Malamud further discloses that information pointer settings include color (paragraph 0110). Therefore, considering the teachings of Malamud and Muller, it would have been obvious to one having ordinary skill in the art at the time of the invention to add first variable graphic of the second image of the cursor has a first color, and the second variable graphic of the third image of the cursor has a second color different from the first color to the teachings of Malamud and Muller. One would have been motivated to add first variable graphic of the second image of the cursor has a first color, and the second variable graphic of the third image of the cursor has a second color different from the first color to the teachings of Malamud and Muller in order to reduce ambiguity as to the parameters and operation that is currently being executed (Muller: column 2, lines 1-18).

Claim 28. Malamud and Muller disclose the computer-readable recording medium of claim 26, and Malamud further discloses the numerical value represented in the first variable graphic of the second image of the cursor represents a one of a number of objects contained in the at least one dragged object and a cumulative data size of the at least one dragged object (paragraph 0059, figure 2L2, [the information box 41E in FIG. 2K2 includes the type of data in the document, the size of the document and the source

of the document. The information shown in the information box 41 G in FIG. 2L2 includes the type of object (i.e., folder), the contents of the folder and the space occupied by the contents of the folder.)).

Claim 29. Malamud and Muller disclose the computer-readable recording medium of claim 28, and Malamud further discloses the second variable graphic of the third image of the cursor includes the numerical value (paragraph 0059, figure 2L2, [the information box 41E in FIG. 2K2 includes the type of data in the document, the size of the document and the source of the document. The information shown in the information box 41 G in FIG. 2L2 includes the type of object (i.e., folder), the contents of the folder and the space occupied by the contents of the folder.])).

Claim 30. Malamud and Muller disclose the computer-readable recording medium of claim 29, and Malamud further discloses the numerical value represented in the second first variable graphic of the third image of the cursor object represents one of a number of objects being copied, and a cumulative data size of the number of objects being copied (paragraph 0059, figure 2L2, [the information box 41E in FIG. 2K2 includes the type of data in the document, the size of the document and the source of the document. The information shown in the information box 41 G in FIG. 2L2 includes the type of object (i.e., folder), the contents of the folder and the space occupied by the contents of the folder.])).

Claim 31. Malamud and Muller disclose the computer-readable recording medium of claim 23, and Malamud further discloses the numerical value indicates a number of objects contained in the at least one dragged object (paragraph 0059, figure 2L2, [the information box 41E in FIG. 2K2 includes the type of data in the document, the size of the document and the source of the document. The information shown in the information box 41 G in FIG. 2L2 includes the type of object (i.e., folder), the contents of the folder and the space occupied by the contents of the folder.]).

Claim 32. Malamud and Muller disclose the computer-readable recording medium of claim 23, and Malamud further discloses the numerical value indicates the cumulative size of the at least one dragged object (paragraph 0059, figure 2L2, [the information box 41E in FIG. 2K2 includes the type of data in the document, the size of the document and the source of the document. The information shown in the information box 41 G in FIG. 2L2 includes the type of object (i.e., folder), the contents of the folder and the space occupied by the contents of the folder.]).

Claim 33. Malamud and Muller disclose the computer-readable recording medium of claim 23, and Malamud further discloses the first variable graphic of the second image of the cursor comprises a geometric object (paragraph 0042), and the size of the geometric object is dynamically varied to accommodate the numerical value (paragraph 0107, [the information box 41E in FIG. 2K2 includes the type of data in the document, the size of the document and the source of the document. The information shown in the

information box 41 G in FIG. 2L2 includes the type of object (i.e., folder), the contents of the folder and the space occupied by the contents of the folder.)).

Claim 34. Malamud and Muller disclose the computer-readable recording medium of claim 23, but do not disclose the first variable graphic of the second image of the cursor indicates that the at least one dragged object will be deleted, as disclosed in the claims. However, Malamud discloses that the information cursor may provide information about the user's interaction with the object, for example, "deleting source file" (abstract). Therefore, considering the teachings of Malamud and Muller, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the first variable graphic of the second image of the cursor indicates that the at least one dragged object will be deleted to the teachings of Malamud and Muller. One would have been motivated to add the first variable graphic of the second image of the cursor indicates that the at least one dragged object will be deleted to the teachings of Malamud and Muller in order to alert the user to an impending delete operation so the user can avoid an unintended delete operation.

Claims 35, 38, 39, 40, 41, 42, 43, 44, 45, 46 disclose method for displaying a user interface and at least two different images of a cursor within the displayed user interface on a display device of a computer similar to the computer-readable recording medium having a computer program recorded thereon of claims 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and are rejected with the same rational.

37. (Canceled)

Claims 47, 50, 51, 52, 54, 55, 56, 57 disclose a method for displaying a user interface and at least two different images of a cursor within the displayed user interface on a display device of a computer similar to the to the computer-readable recording medium having a computer program recorded thereon, with the exception that the first cursor image comprises a pointer and a tail, of claims 23, 26, 27, 28, 30, ,31, 32, 33, 34 and are rejected with the same rational.

49. (Canceled)

53. (Cancelled)

Claims 59, 61, 62, 63, 66, 67, 68, 69 disclose a computer processing device similar to the computer-readable recording medium having a computer program recorded thereon of claims 23 ,26, 27, 28, 31, 32, 33, 34 and are rejected with the same rational

64. (Cancelled)

65. (Cancelled)

5. Claims 24, 36, 48, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malamud et al. (US 20030142123 A1) in view of Muller (US 4,984,152) and further in view of Lektion et al. (US 5801698).

Claim 24. Malamud and Muller disclose the computer-readable recording medium of claim 23, wherein the computer program causes the computer to perform further operations comprising:

- a. controlling the display device to switch the display of the first image of the cursor to a display of a third image of the cursor in the user interface, the third image of the cursor comprising a second hybrid cursor having a pointer arrow and a second variable graphic replacing the tail comprised in the first image of the cursor (paragraphs 0042, 0047, figure 2c, paragraph 0052, figure 2E).

Malamud and Muller do not disclose,

- a. determining when the first image of the cursor is positioned in the user interface over an object that is associated with an application in a busy state;
- b. controlling the display device to switch the display of the first image of the cursor to a display of a third image of the cursor in the user interface, upon determining that the first image of the cursor is positioned over the user interface object associated with the application in the busy state, the third image of the cursor comprising a second hybrid cursor having a pointer arrow and a second variable graphic replacing the tail comprised in the first image of the cursor; and

- c. controlling the display device to, while the cursor is positioned over the user interface object associated with the application in the busy state, display the second variable graphic of the third image of the cursor as a representation of the busy state of the application in the busy state,

as disclosed in the claims. However, in the same field of invention, Lektion discloses displaying a busy cursor over an application that is processing or busy (column 4, lines 38-44, figure 2). Therefore, considering the teachings of Malamud, Muller and Lektion, it would have been obvious to one having ordinary skill in the art at the time of the invention to add

- d. determining when the first image of the cursor is positioned in the user interface over an object that is associated with an application in a busy state;
- e. controlling the display device to switch the display of the first image of the cursor to a display of a third image of the cursor in the user interface, upon determining that the first image of the cursor is positioned over the user interface object associated with the application in the busy state, the third image of the cursor comprising a second hybrid cursor having a pointer arrow and a second variable graphic replacing the tail comprised in the first image of the cursor; and
- f. controlling the display device to, while the cursor is positioned over the user interface object associated with the application in the busy state, display the second variable graphic of the third image of the cursor as a representation of the busy state of the application in the busy state,

to the teachings of Malamud and Muller. One would have been motivated to add

- g. determining when the first image of the cursor is positioned in the user interface over an object that is associated with an application in a busy state;
- h. controlling the display device to switch the display of the first image of the cursor to a display of a third image of the cursor in the user interface, upon determining that the first image of the cursor is positioned over the user interface object associated with the application in the busy state, the third image of the cursor comprising a second hybrid cursor having a pointer arrow and a second variable graphic replacing the tail comprised in the first image of the cursor; and
- i. controlling the display device to, while the cursor is positioned over the user interface object associated with the application in the busy state, display the second variable graphic of the third image of the cursor as a representation of the busy state of the application in the busy state,

to the teachings of Malamud and Muller in indicate to a user if a drag and drop operation can be performed on a target application.

Claim 36 discloses method for displaying a user interface and at least two different images of a cursor within the displayed user interface on a display device of a computer similar to the computer-readable recording medium having a computer program recorded thereon of claim 24 and is rejected with the same rationale.

Claim 48 discloses a method for displaying a user interface and at least two different images of a cursor within the displayed user interface on a display device of a computer similar to the to the computer-readable recording medium having a computer program recorded thereon, with the exception that the first cursor image comprises a pointer and a tail, of claim 24 and is rejected with the same rational.

. Claim 60 discloses a computer processing device similar to the computer-readable recording medium having a computer program recorded thereon of claim 24 and is rejected with the same rational

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN HEFFINGTON whose telephone number is (571)270-1696. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boris M. Pesin can be reached on 571-272-4070. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/
Supervisory Patent Examiner, Art
Unit 2172

JMH
2/8/11